

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

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| UNITED STATES OF AMERICA |) | |
| |) | |
| |) | CASE NO: 2:05-cr-00290-WKM-VPM |
| v. |) | |
| |) | |
| EDDIE ANDREW GORDON |) | |
| |) | |
| Defendant |) | |

MOTION TO CONTINUE

COMES NOW the undersigned counsel, Everett M. Urech, and requests that the case which was recently set for trial on January 8, 2007, be continued to the next term of court. Even though the case has been on the court's docket for some time, present counsel was only recently assigned when the Defendant's plea of guilty was withdrawn and he elected to go to trial in the case. Counsel will need the additional time to prepare for a jury trial in this case.

Dated this 30th day of November 2006.

Respectfully submitted,

s/Everett M. Urech
EVERETT M. URECH
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Attorney for Defendant
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Octavious Charlie Bryant
Docket No. 3:06cr116-WKW

Presentence
Investigation Report

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| 33. | 02/19/01 (Age 22) | 1: Carrying Pistol Without Permit, 2: Resisting Arrest- Circuit Court, Lee County, AL, Case Nos. 01-872, 873 | <u>07/30/01</u> : 1 and 2: FG. 90 days, 60 days suspended, 2 years on probation, condemn pistol plus pay fine and costs. <u>08/02/01</u> : Appealed. <u>08/13/02</u> : FTA. Revoke bond and issued writ. <u>08/23/02</u> : FTA. Dismissed and remanded. <u>03/07/04</u> : Arrested. <u>03/08/04</u> : Released with condition to pay \$80 monthly and appear for review. <u>04/19/05</u> : FTA, writ issued. | §4A1.1(c) §4A1.2(c)(1)(A) |
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The defendant was represented by Margaret Brown. Court records reflect that on February 19, 2001, an Opelika Police officer found a silver and black Ruger pistol on Bryant's person. Bryant resisted arrest but was eventually subdued. These cases were originally appealed from the Opelika Municipal Court, MCN-01-119 and 120.

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| 34. | 07/29/01 (Age 22) | 1: Attempting to Evade Police Officer, 2: Driving While License Suspended -Circuit Court, Lee County, AL, Case No. CC-01-867 and 868 | <u>07/30/01</u> : PG. 1: 120 days, 90 days suspended, served 30 days, 2 years on probation plus pay fine and costs. 2: 90 days, suspended, 2 years on probation. <u>08/02/01</u> : Appealed. | §4A1.1(c) §4A1.2(c)(1)(A) |
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The defendant was represented by Margaret Brown. Court records reflect that on July 27, 2001, Bryant was arrested by an Opelika Police officer for driving with a suspended license, attempting to elude a police officer, running a red light, driving on the wrong side of the road and operating a vehicle without insurance. These cases were originally appealed from the Opelika Municipal Court, TRN-01-591, 592, 593, 594, and 595.

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Tammie Brown Hardwick, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

s/Everett M. Urech
EVERETT M. URECH

Octavious Charlie Bryant
Docket No. 3:06cr116-WKW

Presentence
Investigation Report

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| 35. | 08/08/01 (Age 22) | 1: Reckless Driving, 2: DWLS, 3: Disorderly Conduct- Circuit Court, Lee County, AL, Case Nos. CC-02-011, 112, and 114 | <u>08/08/01</u> : Released. <u>12/17/01</u> : Convicted. 1: 5 days, suspended, serve 2 years on probation plus pay fine and costs. 2: 10 days, suspended, serve 2 years on probation plus pay fine and costs. 3: 60 days, 55 days suspended, served 5 days, 2 years on probation plus pay fine and costs. <u>12/19/01</u> : Appealed. <u>08/13/02</u> : FTA, revoke bond and writ issued. <u>08/23/02</u> : FTA. Dismissed and remanded. <u>04/22/03</u> : FTA. <u>03/07/04</u> : Arrested. <u>03/08/04</u> : Released on condition to pay \$80 monthly and appear for review. <u>04/19/05</u> : FTA, writ issued. | §4A1.1(c) §4A1.2(c)(1)(A) |
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The defendant was represented by Margaret Brown. Court records reflect that on August 8, 2001, at approximately 6:20 p.m., Opelika Police officers initiated a traffic stop at the intersection of Pleasant Drive and Shannon Court and charged Bryant with driving without a license, reckless driving, running a stop sign, operating a vehicle without insurance, and disorderly conduct. When the officer questioned Bryant, he became loud and yelled "you can't search me, I am not under arrest", "you can't put me in the patrol car, I ain't under arrest". Bryant continued this behavior after he had been told repeatedly to be quiet. These cases were originally appealed from the Opelika Municipal Court, TRN-01-636, 637, 638, 589, and 01032.